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May 14, 2008

Via Facsimile (212) 805-6181Honorable Douglas F. Eaton
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1360
New York, New York 10007USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/20/08Re: Evart Enterprises v. Gentlemen's Video, et al.
07 Civ. 5441

This firm represents plaintiff in the above referenced matter.

As you may be aware, on March 26, 2008, Defendants' counsel filed an Affidavit of Service indicating service of a Third-Party Complaint on Ed DePriest d/b/a "Ed DePriest Productions" by the "nail and mail" method. Service was therefore complete ten days after the filing of the Affidavit of Service, on April 7, 2008. Third-Party Defendant then had thirty days in which to appear. That thirty day period expired last week, on May 7, 2008. To date, Third-Party Defendant has not appeared and is in default.

In the interim, in order to avoid potential duplication of effort, the undersigned and Defendants' counsel agreed not to proceed with depositions in the main action pending the appearance of Third-Party Defendant. Now that Third-Party Defendant is in default, Plaintiff will complete document production and produce its witness for deposition. While Plaintiff reserves its right to depose Defendants, and to depose a non-party witness, at this time Plaintiff does not anticipate exercising those rights.

USDC SDNY
DATE SCANNED 5/20/08 28

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QUIRK AND BAKALOR, P.C.

Accordingly, counsel for Plaintiff and Defendants jointly request a brief adjustment of the discovery schedule entered on March 13, 2008, as follows: Fact Discovery due by 6/21/08; Dispositive motions due by 7/21/08; Joint Pre-Trial Order due by 7/31/08.

We trust this schedule is acceptable to you and we thank you for your consideration of this request.

Very truly yours,

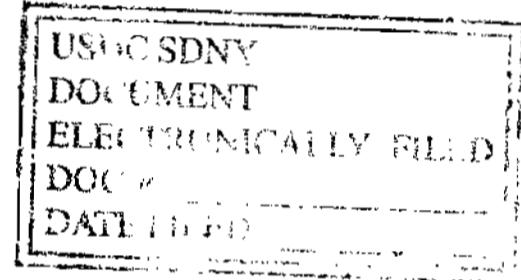
NICHOLAS GOODMAN

II. Nicholas Goodman

cc: Edward Rudofsky, Esq. (Via Electronic Mail)

5/20/08 - I grant this request.

Douglas F. Eaton



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USDC SDNY
DATE SCANNED _____